

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

WESLEY LOREN BURRAGE,)	
)	
Plaintiff,)	
)	
v.)	NO.: 2:18-cv-00079
)	
ANDREW SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER


Magistrate Judge Newbern has entered a Report and Recommendation (Doc. No. 21) in which she recommends that Wesley Burrage’s Motion for Judgment on the Administrative Record (Doc. No. 13) be granted, the decision of the Commissioner as it pertains to his application for Supplemental Security Income be reversed, and that the case be remanded for further administrative proceedings. Burrage has filed no objections to the R & R. The Government has filed a “Response” indicating that it “does not intend to file an objection to the Report and Recommendation,” but then concludes with the statement: “Defendant respectfully submits that the ALJ’s decision is supported by substantial evidence and should be affirmed.” (Doc. No. 22 at 1). Given the first statement and the lack of any further argument, the Court takes the second statement to be a mistake. If not, the Government’s objection is “deemed waived” because it is “unaccompanied by some effort at developed argumentation[.]” United States v. Elder, 90 F.3d 1110, 1118 (6th Cir. 1996). Regardless, this Court has considered the record *de novo* in accordance with Rule 72(b) and agrees with Magistrate Judge Newbern’s recommendations.

Accordingly, (1) the R&R (Doc. No. 21) is **ACCEPTED** and **ADOPTED**; (2) if the Government’s “Response to the Report and Recommendation” (Doc. No. 22) is intended to be an

objection, it is **OVERRULED**; (3) Burrage's Motion for Judgment on the Administrative Record (Doc. No. 13) is **GRANTED** to the extent that he seeks a remand for further consideration; and (4) this case is **REMANDED** for further proceedings consistent with Magistrate Judge Newbern's R&R.

The Clerk of the Court shall enter a final judgment.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE